

June 3, 2019

Mr. Francesco Gentile, R.L.A.  
Geo-Technical Associates, Inc.  
3445-A Box Hill Corporate Center Drive  
Abingdon, MD 21009

RE: Ballard Green  
Forest Buffer Variance  
Tracking # 04-19-2987

Dear Mr. Gentile:

A request for a variance from Baltimore County's Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains was received by this Department of Environmental Protection and Sustainability (EPS) on April 26, 2019. The variance, requested in accordance with Section 33-3-106 (a) of this Law, seeks approval to impact approximately 2,116 square feet (sf) of existing, unforested Forest Buffer Easement for grading around proposed home sites and alleys that would also include installation of sidewalks and sanitary sewer for these units. This buffer area to be disturbed was originally proposed for reforestation and would still be reforested after construction is complete. Additionally, the 35-foot setback from the six of the proposed dwellings to the Forest Buffer Easement would be reduced if the variance is granted. The reduced setbacks would range from 24 feet to 30 feet.

The variance is being sought for the construction of the final phase of Ballard Green, which was originally proposed for single family detached dwellings. However, market demands required a change to townhouses, thus affecting the previously approved layout for Ballard Green. Consequently, 188 townhouses are now proposed in this phase. Although the Forest Buffer and Forest Conservation Easements have previously been recorded via the record plat for Ballard Green, it does not appear that the correct Declarations of Protective Covenants have been recorded.

The need to revise the housing type in the last phase of the development creates a practical difficulty in fully meeting Section 33-3-111 and 33-3-112 of this Law due to topographical and spatial constraints in designing and constructing the infrastructure necessary to support the new layout. Therefore, we find that a practical difficulty exists and that criterion is met.

We further find that impacts to water quality will be adequately minimized and mitigated by the revised layout, as it will not impact any forested Forest Buffer Easement. Moreover, all portions of the open Forest Buffer Easement, even the 2,116 sf graded for the revised layout, would still be planted with native species of trees in accordance with the previously approved FBPP.

Based on our review, this Department finds that the variance criteria have been met. Therefore, the requested variance is hereby approved in accordance with Section 33-3-106 of the Baltimore County Code with the following conditions:

1. The 2,116 sf of disturbed Forest Buffer Easement shall be planted with native species of trees in accordance with the Forest Buffer Protection Plan for Ballard Green approved by EPS staff on January 24, 2013 (FBP 13-004).
2. The Forest Buffer Easement shall be permanently posted with protective signage prior to issuance of building permits for any dwellings adjacent to the Forest Buffer Easement. Signs shall be installed as directed in FBP 13-004.
3. Prior to issuance of any Baltimore County permit, blaze orange high visibility fence shall be installed along the limit of disturbance (LOD) wherever the LOD is within 50 feet of any remaining specimen tree, Forest Conservation Easement, or Forest Buffer Easement. This protective fence shall be illustrated on the plan view and mentioned in the sequence of operations on the sediment control plan.
4. Prior to issuance of any Baltimore County permit, the correct Declarations of Protective Covenants for all Forest Buffer Easement and/or Forest Conservation Easements at Ballard Green shall be recorded in Land Records.
5. The following note must appear on all subsequent plans for this project:
  - “A variance was granted on June 3, 2019 to Baltimore County’s Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains. The Forest Buffer Easement and its setback shown hereon are reflective of this variance. Conditions were placed on this variance, including onsite reforestation of the Forest Buffer Easement and posting of its limit with protective signage.”

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request.

Mr. Francesco Gentile  
Ballard Green  
Forest Buffer Variance  
June 3, 2019  
Page 3

Please have the appropriate representative sign the statement below and return a signed copy of this entire letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Mr. Glenn Shaffer at (410) 887-3980.

Sincerely yours,

David V. Lykens  
Director

DVL/ges

c. Steve Smith, Gaylord Brooks

I/we agree to the conditions above to bring my/our property into compliance with Baltimore County's Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains.

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Owner/Developer

Date

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Printed Name